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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CALIFORNIA
NORTHERN DISTRICT**

Carl A. Wescott,

Plaintiff,

vs.

David Crowe; Mike Lyonette;
Thomas P. Madden; Taylor Collins; Jeff Rau;
Darrell Bushnell; Amy Bushnell;
Peter Tierney; Kathy Fettke; Susie Yee;
Norman Davies; Claire Davies; Sandra Winfrey;
Brian Putze; Colin Ross; Brad Malcolm;
Michael Jimenez; Gustavo Varela; Robert
Crowe; Bernadette Brown; Federico Gurdian;
Terencio Garcia, Does 1 through 50,

Defendants.

No: 3:20-cv-06456-JD

DEFENDANT DAVID CROWE, MIKE
LYONETTE, JEFF RAU, COLIN ROSS,
BRAD MALCOLM, AND MICHAEL
JIMENEZ'S RESPONSE AND
OBJECTION TO PLAINTIFF'S
REQUEST FOR ENTRY OF DEFAULT

RESPONSE/OBJECTION

Plaintiff recently filed a Request for Entry of Default with this Court, requesting default be entered against Defendants David Crowe, Mike Lyonette, Jeff Rau, Colin Ross, Brad Malcolm, and Michael Jimenez (collectively "Defendants"). Plaintiff's request must be denied for several reasons. First and foremost, Plaintiff informed Defendants' counsel that he would be traveling and offered June 1, 2021 as an extended deadline for the filing of Defendants' responsive pleadings. Additionally, Plaintiff did not properly note his request as a motion on the Court's calendar. Lastly, Defendants have now filed and re-noted their Motions to Dismiss and for Judgment on the

1 Pleadings, thereby negating the necessity and/or the occasion for default in the case at Bar. Based
2 on the foregoing, Defendants respectfully request this Court deny Plaintiff's request for default.
3

4 RESPECTFULLY SUBMITTED this 27th day of May 2021.

5 ROMERO PARK P.S.

6 By: /s/ H. Troy Romero
7 H. Troy Romero, CBN #224867
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PROOF OF SERVICE BY ELECTRONIC MAIL

I, Kathy Koback, certify and declare as follows:

I am a citizen of the United States and a resident of the State of Washington. I am over the age of 18 years and not a party to the within-entitled cause. I am an employee with the law firm of Romero Park P.S., whose addresses are 16935 West Bernardo Drive, Suite 260, San Diego, California 92127 and 155 – 108th Avenue NE, Suite 202, Bellevue, Washington 98004, which is located in the county where the mailing described below took place.

On May 27, 2021, at my place of business in Bellevue, Washington, a copy of the attached document described as:

DEFENDANT DAVID CROWE, MIKE LYONETTE, JEFF RAU, COLIN ROSS, BRAD MALCOLM, AND MICHAEL JIMENEZ'S RESPONSE AND OBJECTION TO PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT

was sent via electronic mail pursuant to the parties' agreement for acceptance of service via electronic mail, and addressed to:

Carl A. Wescott
8210 e. Via De La Escuela
Scottsdale, Arizona 85258
Email: carlwsoj@gmail.com

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: May 26, 2021.


Kathy Koback, Legal Assistant